

REMARKS

I Status of the Claims

Claims 1, 3-7, and 9-15 are currently pending in this application. Claim 8 is canceled without prejudice. No new matter has been added.

II Restriction Requirement

The Examiner has made a restriction requirement, requiring an election between:

- I. Group A, claim(s) 1, 3, 5, 8, 9, and 10 drawn to compositions comprising *sequence identification number 3*, classified in class 530, subclass 300 for example.
- II. Group B, claim(s) 1, 5, 9, 10, and 13 drawn to compositions comprising *X1-Ser-Cit-His-X2*, classified in class 530, subclass 300 for example.
- III. Group C, claim(s) 1, 5, 9, 10, and 14 drawn to compositions comprising *X0-X1-Ser-Cit-His-X2*, classified in class 530, subclass 300 for example.
- IV. Group D, claim(s) 1, 5, 9, 10, and 15 drawn to compositions comprising *X0-X1-Ser-Cit-His-X2-X3*, classified in class 530, subclass 300 for example.
- V. Group E, claim(s) 6, 7, 11, and 12 drawn to methods and kits for diagnosing rheumatoid arthritis-specific auto-antibodies, classified in class 435, subclass 7.92 for example.

The Examiner considers the inventions of Group A, B, C and D above to include a plurality of disclosed patentably distinct inventions. Also, the Examiner expresses that resources are now stretched to the limit, so only one sequence should be searched per application.

Discussion

In view of this restriction requirement, Applicants provisionally elect, with traverse, invention II, Group B, claim(s) 1, 5, 9, 10, and 13 drawn to compositions comprising *X1-Ser-Cit-His-X2*.

This application is the United States national stage application under 35 U.S.C. § 371 of the International application PCT/FR98/02899, filed December 29, 1998, designating the United States of America. Therefore, as noted in MPEP § 1893.03(d), unity of invention practice, *not restriction practice*, is applicable in national stage applications filed under 35 U.S.C. § 371.

MPEP § 1893.03(d) states that a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. Groups A, B, C and D are linked to form a single general inventive concept due to the common tripeptide motif Ser-Cit-His. In fact, the compositions of Group D (comprising *X0-X1-Ser-Cit-His-X2-X3*) are particular embodiments of Group C (comprising *X0-X1-Ser-Cit-His-X2*). In turn, the compositions of Group C are particular embodiments of Group B (comprising *X1-Ser-Cit-His-X2*). In turn, the compositions of Group B are particular embodiments of generic claim 1. The special technical feature that links all of these claims is the Ser-Cit-His motif. There are no distinct or separate motif formulas. The identified separate groups represent narrower embodiments of the same

motif in which the neighboring amino acids to the claimed tripeptide motif are specified, but the tripeptide motif remains unchanged. There is clearly a defined "core" structure, the Ser-Cit-His motif, that is common to all of the pending claims. With respect to the stretched to the limit resources, applicants suggest that a search of the Ser-Cit-His motif should be the selected single search.

With respect to Group E, the method claim (6) and the kit claims (7, 11 and 12) are characterized by the Examiner as related to Groups A-D as product and process of use. Unity of invention concepts link a product and its method of use so as to form a single general inventive concept in light of the technical relationship among the claims. Applicants respectfully request that the claims of Group E should be examined together with the claims of Groups A-D.

III Conclusion

In view of the foregoing, Applicants respectfully request withdrawal of the restriction requirement and continuation of prosecution of all of the pending claims.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a

CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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